

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Action No. 2:18cv530

NORFOLK SOUTHERN
RAILWAY COMPANY, et al.,


Defendants.

ORDER

During the final pretrial conference on December 6, 2022, the parties advised the Court about a dispute over plaintiff's request for a current employee of Norfolk Southern Railway Company, Christopher David Luebbers, to appear at trial or for a *de bene esse* deposition. Upon inquiry from the Court, counsel advised that the matter likely will require resolution by the Court. Accordingly, plaintiff shall brief the matter no later than December 9, 2022. Defendants shall respond no later than December 15, 2022. Plaintiff shall file any reply no later than December 19, 2022.

It is so **ORDERED**.

The Clerk shall forward a copy of this Order to all counsel of record.



Robert J. Krask
United States Magistrate Judge

Robert J. Krask
United States Magistrate Judge

Norfolk, Virginia
December 6, 2022